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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Turner *et al.*

Group Art Unit: 1632

Application No.: 09/602,883

Examiner: Q. J. Li

Filed: 06/23/00

Title: Novel Human Genes and Proteins
Encoded Thereby

Atty. Docket No. LEX-0413-USA
(formerly 8535-036-999)

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AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION
DATED DECEMBER 4, 2002

Commissioner for Patents
Alexandria, VA 22313

Sir:

The Applicants acknowledge the receipt of the Final Office Action ("the Action") mailed on December 4, 2002 (Paper No. 19), which has been carefully reviewed and studied. The Examiner is respectfully requested to enter the following amendments and reexamination and reconsideration of the application is requested in view of the following amendments and remarks. In order to facilitate the Examiner's evaluation of the application, Applicants have attempted to address the objections and rejections in Paper No. 19 in the same order in which they were originally raised.

Applicants question the propriety of the finality of this action as finality appears to have been "necessitated" by a narrowing amendment. Such a narrowing amendment, an increase of the size of the claimed fragment from 24 to 50 contiguous bases, should not have necessitated a further search.

A Petition for an Extension of Time of three months to and including June 4, 2003 and authorization to deduct the fee as required under 37 C.F.R. § 1.17(a)(1) from Applicants' representatives Deposit Account are included. The response is thus timely filed. Applicants believe no fees in addition to the fee for the extension of time are due in connection with this response. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0892.